

AGENDA
EXCOMM MEETING
Trusts and Estates Section
State Bar of California

November 5, 2005
Oakland Airport Hilton Hotel
9:30 a.m. to 3:30 p.m.



*"They say we can go there for Thanksgiving or
they can cut us out of the will. Our choice."*

I WELCOME, INTRODUCTIONS AND REPORTS OF CHAIR/VICE CHAIR

- 1 Welcome & Introductions [POTTS]
- 2 Approval of Minutes of September Meeting [POTTS]
- 3 Report of Chair [POTTS]
- 4 Report of Vice Chair [HARTOG]
- 5 Report of Section Administrator [ORLOFF]

II ADMINISTRATIVE MATTERS

- 1 Finance and Budget - Financial Report [HARTOG]
- 2 Council of State Bar Sections [FITZPATRICK]

III COMMITTEE, TASK FORCE AND LIAISON REPORTS

- 1 Quarterly [BURGER]
 - a Fall 2005 Issue status
 - b Winter 2006 Issue status
 - c Solicitation of articles
 - d Advertising [Hand]
- 2 Education [ALBERIO]
 - a 2006 Winter SEI
 - b Monterey programs
 - c 2007 Winter SEI
 - d Stand Alone programs
 - (1) International Estate Planning
 - (2) Form 706 Preparation
 - e Your Legal Rights
 - f State Bar Grant Proposal [Tong]
- 3 CEB [GOOD]
 - a Upcoming Programs
 - b Ads in CEB publications [Orloff]
- 4 Membership & Marketing [LAWSON]
 - a Membership count
 - b Marketing of education programs
 - c State Bar Convention [Alberio]
 - d Staffing tables at MCLE programs

- 5 Trust & Estate Administration Committee [HAND]
 - a Inconsistent requirements for recording deeds
 in different counties [Gaw]
 - b Arluk/Dobler & Trust Creditor Claim Issues
[Wallet]
 - c PC § 13100 and other minimum amounts
 - d UPIA Fixes [Burger]
 - e Graduated fees
 - f Probate Referee System

- 6 Ethics Committee [HORTON/LODISE]
 - a Report of Liaison to Rules Revision Commission/
 B&PC § 6068.5 [Stern/Lodise]
 - b Status of Ethics Guide Update [Lodise]

- 7 Litigation Committee [KOVAR]
 - a New cases
 - b Crosby case - Attorney client privilege after
death [Horton]
 - c Will/trust contest procedures [Streisand]
 - d Fiduciary self-representation in court [Horton]
 - e Prohibiting Mandatory Arbitration for Elders and
 Dependents [Corey]
 - f Rule of Court 1622(d) [Horton]
 - g Lis Pendens (Campbell v. Superior Court) [Wallet]
 - h Proposed model ADR rules [Henden]
 - i Preference for elders in appellate proceedings
[Lodise/Hand]

- 8 McAdams and Borissoff Task Force [LODISE]
 - a PC § 15684 - Status

- 9 NCCUSL [HENDEN]
 - a Uniform Trust Act/Professor English [Moore]

- 10 CLRC Committee [MOORE/STREISAND]
 - a No Contest Clause Study [Kovar]
 - b Family Law Money Judgments/Enforcement After
Death
 - c Evangelolo/Johnson study

- 11 Estate Planning Committee [PAYNE]
 - a Chaptered Bills
 - i AB 361 - Cleanup
 - ii AB 204 - posthumously conceived children
 - iii AB 12 - Nonprobate transfers

- iv SB 158 - Powers of Attorney - Social Security numbers
 - v AB 1676
 - vi SB 271
 - b AB 69 - Multiple Party Accounts - Jim MacDonald
 - c AB 1539 - Notaries Public
 - d SB 599 - Property Taxation
 - e AB 654 - California Compassionate Choices Act
 - f AB 651 - California Compassionate Choices Act
 - g SB 192 - Annuities: Seniors
 - h SB 415 - Advance Health Care Directive
 - i The Uniform Parentage Act
 - j Government Code Section 8201
 - k The Oregon Death with Dignity Act and the Netherlands' Termination of Life on Request and Assisted Suicide (Review Procedures) Act
- 12 Educating Seniors [COREY]
- a Elder Abuse Brochure (Corey/Tong)
 - b Information Card and Senior Outreach Program (Tong)
 - c Coordination with Office of Emergency Services (Pollard)
 - d SB 308 Recording Fees: Elder and Dependent Adult Financial Abuse (Pollard)
 - e SB 192: Annuity Sales to Seniors/Suitability Standards (Corey)
 - f CANHR proposal: Insurance Sales, Prohibiting the unauthorized practice of law by brokers (Corey)
- 13 Incapacity [STERN]
- a BLS 2006-05: Surrogate Healthcare Agent, PC § 4712
 - b SB 973 - PC §§ 1900 1901 and 2351.5 amendments
 - c W&IC § 15657.3 - Estate of Lowrie [Tong]
 - d PC § 1470 - Appointed counsel for already represented [Beltran]
 - e PC §§ 2590, 2591 - Independent powers of conservator [Green]
 - f Medi Cal Update
 - g AB 1155 - Adoption of Rule of Court (Professional Fiduciaries)
- 14 Computer/Internet [GAW]
- a Listserve
 - b Discussion Board

- c Archiving ExComm meeting documents
- d Links (Committee Chairs)
- e Committee Descriptions
- f Website Protocols
- g Charitable Giving Tools

- 15 Income and Transfer Taxes [HAYES]
 - a State Legislation of Note
 - b Federal Legislative Developments

- 16 Legislation [REGGIARDO]
 - a BOG action for pending legislative proposals
 - b Two-year bill process
 - c Timeline for proposed legislation for new bills/
legislative meeting [Potts]
 - d Timeline for TEExComm legislative proposals
- [Potts]
- e Mandatory procedures re legislative proposals
 - f Report on pending legislation
 - g Online Bill Tracking legislative information:
www.leginfo.ca.gov/

IMPORTANT GUIDELINES:

- Please use approved format for legislative proposals.
- Please use comment form for comments on legislation
as a member of EXCOMM.
- Always write to Larry Doyle, not directly to a member of
legislature or legislative staff.
- Confirm testimony needs with Legislation Chair.
- If you agree to testify, be there unless otherwise notified.

- 17 Conference of Delegates [KOONTZ/TONG]
 - a RESCOM member for Conference of Delegates

- 18 Family Law Liaison [MOORE]

- 19 New Business

- 20 COMING ATTRACTIONS

FUTURE EXCOMM EVENT

Next ExComm Meeting
February 4, 2006
LOS ANGELES AIRPORT MARRIOTT HOTEL